

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 KAREN VIVANCO and MICHAEL )  
12 TELLO ZAVAleta, )  
13 )  
14 Plaintiffs, )  
15 v. ) Case No. 2:09-cv-1930-LRH-PAL  
16 )  
17 LOLA PAROCUA, Field Office )  
18 Director, U.S. Citizenship )  
19 and Immigration Services, Las )  
20 Vegas Sub-district Office, )  
21 et al., )  
22 )  
23 Defendants. )  
24 )

**DEFENDANTS' MOTION FOR EXTENSION OF TIME**  
**TO FILE RESPONSIVE PLEADING TO PLAINTIFFS' COMPLAINT**  
**AND ORDER**

21 Defendants, by and through their attorneys, Daniel G. Bogden,  
22 United States Attorney for the District of Nevada, and Carlos A.  
23 Gonzalez, Assistant United States Attorney, respectfully request  
24 a thirty (30) day extension of time, up to and including February  
25 8, 2010, to file a responsive pleading to Plaintiffs' Complaint.  
26 . . .

1 In support of this request for an extension of time, Defendants  
2 rely upon the Memorandum of Points and Authorities set forth  
3 below.

4 DATED this 7th day of January, 2010.

5 Respectfully submitted,

6 DANIEL G. BOGDEN  
7 United States Attorney

8 /s/ Carlos A. Gonzalez  
9 Carlos A. Gonzalez  
10 Assistant United States Attorney

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. BACKGROUND

Plaintiffs filed their Complaint (#1) with the Court on October 5, 2009. Service on the United States Attorney's Office pursuant to Federal Rule of Civil Procedure 4(i) was accomplished by certified mail on October 6, 2009. On December 10, 2009, this Court granted the Defendants' first request for an extension of time up to and including January 7, 2010, to respond to Plaintiffs' Complaint.

An interview with the Citizenship and Immigration Services ("CIS") to review Plaintiffs' I-130 application has been scheduled at 5:00 p.m. on January 7, 2010. The CIS believes an adjudication can be completed within thirty (30) days following the interview. Therefore, the Defendants request that this honorable Court grant a thirty (30) day extension of time, up to and including February 8, 2010, to respond to Plaintiff's Complaint.

## II. ARGUMENT

The Federal Rules of Civil Procedure provide for an  
enlargement of time for cause shown.

When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires . . . .

Fed. R. Civ. P., Rule 6(b)(1)(A).

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1. On Wednesday, January 6, 2010, undersigned counsel contacted the CIS and learned that the CIS has scheduled an interview with Plaintiff at 5:00 p.m. on January 7, 2010.

2. The CIS believes an adjudication can be completed within thirty (30) days following the interview.

3. This request to extend time for responsive pleading is made prior to the expiration of time permitted to respond to Plaintiffs' Complaint.

### III. CONCLUSION

Therefore, the Defendants respectfully request that this honorable Court grant an additional thirty (30) day extension of time, up to and including February 8, 2010, to respond to Plaintiffs' Complaint.

DATED this 7th day of January 2010.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/ Carlos A. Gonzalez  
Carlos A. Gonzalez  
Assistant United States Attorney

IT IS SO ORDERED.

Flávia

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

DATED: January 8, 2010